

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

| | | |
|------------------------------------|---|----------------------------|
| COMMITTEE FOR A FAIR AND |) | |
| BALANCED MAP, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | Case No. 1:11-cv-05065 |
| |) | |
| ILLINOIS STATE BOARD OF ELECTIONS, |) | Judge Joan Humphrey Lefkow |
| <i>et al.</i> , |) | Judge John Daniel Tinder |
| |) | Judge Robert L. Miller |
| Defendants. |) | |

**PLAINTIFFS' NOTICE OF SUPPLEMENTAL FILING
OF EXHIBIT A71 TO APPENDIX TO PLAINTIFFS' MEMORANDUM
IN SUPPORT OF THEIR MOTION FOR A PERMANENT INJUNCTION**

PLEASE TAKE NOTICE THAT plaintiffs hereby file the November 10, 2011 Supplemental Expert Report by Dr. Richard L. Engstrom, attached hereto, as Exhibit A71 to the Appendix to Plaintiffs' Memorandum In Support of Their Motion for a Permanent Injunction (Dkt. 106). Defendants filed Dr. Allan J. Lichtman's November 14, 2011 supplemental report as an attachment to their memorandum in opposition to Plaintiffs' Motion for a Permanent Injunction (Dkt. 128).

Dated: November 15, 2011

By: /s/ Lori E. Lightfoot

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EXHIBIT A71

**November 10, 2011
Supplemental Expert
Report by Richard L.
Engstrom**

Supplemental Expert Report

By

Richard L. Engstrom

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Center for the Study of Race, Ethnicity, and Gender in the Social Sciences

Duke University

In his deposition of November 2, 2011, Dr. Allan J. Lichtman for the first time offered an oral opinion about how “split precincts” affected the voting analysis that I provide in my first two reports; an opinion which I do not recall being reflected in any of the three reports that he authored dated October 4, 2011 or in his supplemental report from October 27, 2011. As I understand Dr. Lichtman’s comments from the deposition transcript, he indicated that there were some precincts in the election files that I relied upon in this case that had been split between or among districts, and that these precinct splits had not been accounted for in the files I relied upon. Prior to performing any analyses with the files that were provided to me, it was my understanding that the split precincts had been accommodated.

As a result of this new opinion from Dr. Lichtman, Plaintiffs’ counsel asked me to confirm that the split precincts had in fact been accommodated in the data on which I had based my previous opinions. Edward Marshall, the individual who provides the raw data on which I rely, could not verify that split precincts had been accommodated in all files, as I had understood. Consequently, I directed Mr. Marshall to provide me with new files in which all split precincts were accounted for in the data. It is my understanding that those files are being simultaneously produced with this supplemental report. The demographic data for these precincts are reported for the split portions by using block level census data to reflect the demographic characteristics of the voting age population in each split portion and assigning the votes for candidates in the precincts to the split portions of them in proportion to the voting age population within the splits. This is a standard method used to account for precinct splits. I have reviewed the formula Marshall used to instruct the computer to make these allocations and it accurately implements the procedure.


I have redone the election analyses contained in my previous reports in this case using the new files. The results of the analyses based on the new files are reported in Adjusted Tables 1, 2, 3, and 4, attached to this supplemental report. These tables are identical to the previous Tables 1, 2, 3, and 4 except for the new results being contained in them. In addition, I have redone the reaggregated election analyses I previously performed, which I described in my initial report and in my previous response to Dr. Lichtman, in which the votes cast in the area of congressional District 4 in the plan adopted by the state, in the area of congressional District 4 in the Plaintiff’s

plan, and in the area of congressional District 3 in the Plaintiff's plan, are tabulated and compared for six elections. These are the same primary and general elections that I analyzed in my prior reports, and in which the voters were presented with a choice between or among Latino and non-Latino candidates. The results of the reaggregated election analyses based on the new files are reported in Attachment A to this supplemental report. Neither of these redone analyses based on the new files cause me to change the opinions I have expressed in my previous reports in any way.

On p. 8 of my initial report I stated that, based on my analysis, the white candidate in the 2011 mayoral election in Chicago had received "close to a majority" of the votes cast by the other voters, those neither Latino nor African American, in that election. Based on my analysis of the new file for that election, the statement remains correct. That candidate is estimated to have received 49.8 percent of their votes in the redone analysis.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on November 10, 2011 in Durham, NC.



Richard L. Engstrom

Adjusted
Table 1Multivariate Analyses of County-Wide Elections
and Chicago Mayoral ElectionGroup Support for Latino Candidates
Point Estimates and Confidence Intervals#

| Election | % of Latino Voters | % of African American Voters | % of Other Voters |
|--------------------------------------|-------------------------------|---|------------------------------|
| <i><u>2010 Dem Primary</u></i> | | | |
| <i><u>Assessor</u></i> | | | |
| Berrios + Figueroa | 91.2 89.3 – 93.1 | 35.6 30.1 – 40.9 | 81.3 79.8 – 82.7 |
| Berrios | 59.8 55.9 – 63.8 | 26.4 21.6 – 31.1 | 50.7 48.3 – 53.1 |
| <i><u>2008 Dem Primary</u></i> | | | |
| <i><u>State's Attorney</u></i> | | | |
| Alvarez | 73.3 70.0 – 76.7 | 16.3 14.0 – 18.7 | 23.1 22.0 – 24.3 |
| <i><u>2011 Chicago Municipal</u></i> | | | |
| <i><u>Mayor</u></i> | | | |
| Chico + DelValle | 79.7 75.8 – 83.7 | 7.2 4.0 – 10.4 | 49.2 47.1 – 51.3 |
| Chico | 44.8 41.1 – 48.6 | 5.4 3.0 – 7.8 | 39.5 37.1 – 41.9 |

Confidence intervals contain a range of estimates from which we can be 95 percent confident, given the data, that the true value of the percentage being estimated will fall.

Adjusted
Table 2

Bivariate Analyses of District and Subcircuit Elections

Group Support for Latino Candidates
Point Estimates and Confidence Intervals#

| Election | % of Latino <u>Voters</u> | % of Other <u>Voters</u> |
|---------------------------|--------------------------------------|-------------------------------------|
| <u>2010 Dem Primary</u> | | |
| <u>Co Board, D. 16</u> | | |
| Garcia | 75.8 66.9 -- 86.1 | 10.2 8.5 – 12.0 |
| <u>Circuit Ct Sub. 11</u> | | |
| Martinez | 73.8 65.3 – 83.5 | 12.3 10.5 – 14.3 |
| <u>2008 Dem Primary</u> | | |
| <u>Circuit Ct Sub. 4</u> | | |
| Aguilar | 76.4 66.1 – 88.0 | 12.0 10.0 – 14.0 |
| <u>Circuit Ct Sub. 6</u> | | |
| Araujo | 59.6 54.5 – 65.0 | 16.4 13.0 – 19.8 |
| <u>2006 Dem Primary</u> | | |
| <u>Circuit Ct Sub. 6</u> | | |
| Ocasio | 55.2 49.5 – 61.4 | 41.3 34.9 – 47.8 |

Confidence intervals contain a range of estimates from which we can be 95 percent confident, given the data, that the true value of the percentage being estimated will fall.

Adjusted
Table 3

Multivariate Analyses of County-Wide Elections

Group Support for Latino Candidates
Point Estimates and Confidence Intervals#

| Election | % of Latino Voters | % of African American Voters | % of Other Voters |
|-------------------------------------|-------------------------------|---|------------------------------|
| <i><u>2010 Dem Primary</u></i> | | | |
| <i><u>Circuit Court</u></i> | | | |
| Ramos | 90.6 87.6 – 93.8 | 21.9 18.4 – 25.6 | 21.0 19.4 – 22.7 |
| <i><u>2008 Dem Primary</u></i> | | | |
| <i><u>Circuit Court</u></i> | | | |
| Reyes | 90.5 88.3 – 92.7 | 61.5 58.0 – 65.0 | 41.9 39.8 – 43.9 |
| <i><u>2010 General Election</u></i> | | | |
| <i><u>Assessor</u></i> | | | |
| Berrios | 82.6 75.9 – 90.1 | 77.8 68.1 – 89.4 | 32.4 30.4 – 34.4 |
| <i><u>2008 General Election</u></i> | | | |
| <i><u>State's Attorney</u></i> | | | |
| Alvarez | 89.1 86.8 – 91.5 | 88.7 85.2 – 92.2 | 58.1 56.3 – 59.8 |

Confidence intervals contain a range of estimates from which we can be 95 percent confident, given the data, that the true value of the percentage being estimated will fall.

Adjusted
Table 4

Multivariate Analyses of Chicago City Clerks Elections

Group Support for Latino Candidates
Point Estimates and Confidence Intervals#

| Election | % of Latino <u>Voters</u> | % of African <u>American Voters</u> | % of Other <u>Voters</u> |
|-------------------|--------------------------------------|--|-------------------------------------|
| <u>2007</u> | | | |
| <u>City Clerk</u> | | | |
| De Valle | 94.7 93.1 – 96.3 | 35.6 28.8 – 41.8 | 72.8 71.3 – 74.3 |
| <u>2011</u> | | | |
| <u>City Clerk</u> | | | |
| Mendoza | 94.0 92.5 – 95.6 | 30.8 26.1 – 35.4 | 72.7 70.6 – 74.7 |

Confidence intervals contain a range of estimates from which we can be 95 percent confident, given the data, that the true value of the percentage being estimated will fall.

Attachment A- Reaggregation of Votes in Districts (%)

| | Adopted CD 4 | Fair Plan CD4 | Fair Plan CD3 |
|------------------------------------|---------------|---------------|---------------|
| 2010 GE Assessor | | | |
| Berrios | 54.6 | 53.3 | 47.4 |
| | Margin = 26.4 | Margin = 24.4 | Margin = 10.8 |
| 2008 GE State's Attn | | | |
| Alvarez | 75.4 | 72.8 | 72.0 |
| | Margin = 56.3 | Margin = 49.8 | Margin = 49.7 |
| 2010 D Pri Assessor | | | |
| Berrios | 50.7 | 53.4 | 49.3 |
| Figueroa | 34.4 | 27.5 | 31.3 |
| Combined | 85.1 | 80.9 | 80.6 |
| 2008 D Pri State's Attn | | | |
| Alvarez | 48.2 | 42.8 | 37.4 |
| | Margin = 21.7 | Margin = 14.0 | Margin = 4.1 |
| 2010 D Pri Circuit Ct (countywide) | | | |
| Ramos | 59.0 | 45.8 | 45.5 |
| | Margin = 40.7 | Margin = 19.9 | Margin = 24.8 |
| 2008 D Pri Circuit Ct | 69.5 | 64.0 | 62.5 |

Margin = percentage point difference from candidate receiving second highest vote.